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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/718,411	11/24/2000	Lars Angelin	3660-32	2868

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EXAMINER

REAGAN, JAMES A

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/718,411

Applicant(s)

ANGELIN, LARS

Examiner

James A. Reagan

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23,28 and 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23,28 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This action is in response to the amendment filed on 21 January 2005.
2. Claims 1 and 12 have been amended.
3. Claims 1-23, 28, and 29 and have been examined.
4. The rejection of claims 28 and 20 are new.
5. The rejections of claims 1-23 have been updated to reflect the amended limitations.
6. Prosecution is reopened. The finality of the previous Office action is withdrawn.

Response to Arguments

7. Applicant's arguments received on have been fully considered but they are not persuasive. Referring to the previous Office action, Examiner has cited relevant portions of the references as a means to illustrate the systems as taught by the prior art. As a means of providing further clarification as to what is taught by the references used in the first Office action, Examiner has expanded the teachings for comprehensibility while maintaining the same grounds of rejection of the claims, except as noted above in the section labeled "Status of Claims." This information is intended to assist in illuminating the teachings of the references while providing evidence that establishes further support for the rejections of the claims.

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

With regard to claims 8, 9, 20, and 21, the common knowledge declared to be well-known in the art is hereby taken to be admitted prior art because the Applicant either failed to traverse the Examiner's assertion of Official Notice or failed to traverse the Examiner's assertion of Official Notice adequately. To adequately traverse the examiner's assertion of Official Notice, the

Applicant must specifically point out the supposed errors in the Examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. A general allegation that the claims define a patentable invention without any reference to the Examiner's assertion of Official Notice would be inadequate. Support for the Applicant's assertion of should be included.

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-23, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen (US 5,671,280 A) in view of Puhl (US 6,223,291 B1), and further in view of Joao et al. (US 6,047,270 A).

Claims 1, 2, 12, and 14:

Rosen, as shown, discloses the following:

- *said merchant agent receiving an order of goods/service from said customer agent (Figure 2b and associated text).*
- *a customer account manager receiving an initiation message sent from said customer agent, said message including data for registration of said customer agent, and order information (Figure 1 and associated text).*
- *said customer account manager amending and forwarding said initiation message to said mediating trusted agent for registration of said customer (Figures 5a-5d and associated text).*
- *said customer account manager delivering a deposit to said mediating trusted (Figure 6 and associated text).*
- *said mediating trusted agent sending an information message including said deposit to said merchant agent (Figure 6 and associated text); and*
- *a plurality of purchase orders is executed within limit of said deposit (Figures 7a and 7b and associated text).*

Rosen does not disclose the use of a trusted intermediary, registration, and an account manager. Puhl, however, in at least column 10, lines 8+ as well as other associated text discloses a trusted intermediary, enrollment i.e. registration of user keys, and trusted third parties for facilitating a financial transaction. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Rosen's payment system with Puhl's trusted intermediary because this provides a higher level of protection and security to protect against fraudulent conduct.

The combination of Rosen/Puhl does not disclose *said customer account manager processing the initiation message, and in response to receiving the initiation message, providing said customer agent with account data during a trading session being established between said*

customer agent and said merchant agent over the network. Joao, however, in at least column 31+ discloses processing trades. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Rosen/Puhl with Joao because both systems refer to known best practices of secure electronic transactions (SET).

With regard to the limitations of:

- *in response to reception of at least one purchase order from said customer agent, said merchant agent determining whether the value of said at least one purchase equals or exceeds the value of the deposit received in the information message, and*
- *when the value of at least one purchase equals or exceeds the value of the deposit, or by instructions from said customer agent or merchant agent, stopping the trading session;*

Joao, in at least column 6, line 46+ discloses stopping transaction if the credit limit has been reached or exceeded. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Rosen/Puhl with Joao because both systems refer to known best practices of secure electronic transactions (SET).

Claims 3 and 15:

With regard to the limitation of *said initiation message includes an amount of the deposit, a transaction identity, the identity of the merchant and the identity of the merchant's operator for locating a proper mediating trusted agent*, see Figure 3 and associated text.

Claims 4, 5, 16, and 17:

With regard to the limitations of:

- *said amended initiation message includes the deposit in the customer currency, a customer identifier, said transaction identity, and the identity of the merchant.*

- *said information message includes the deposit in the currency of the merchant, a trading session identity, and said customer identifier.*

See at least Figure 3 and associated text.

Claims 6, 7, 18, and 19:

With regard to the limitations of:

- *after the step of said mediating trusted agent sends an information message, said merchant acknowledges the customer and the associated deposit to said mediating trusted agent.*
- *said mediating trusted agent acknowledging the customer and the associated deposit to said customer account manager.*

See at least Figure 1 and associated text.

Claims 8 and 20:

Rosen discloses the electronic commercial payment system as shown above. Rosen does not specifically state that *said acknowledging including the current exchange rate and that said customer account manager forwarding said exchange rate to the customer agent*. However, Examiner takes **Official Notice** that it is old and well known in the payment systems arts to account for exchange rates between various countries around the world. Credit card institutions that provide credit services internationally automatically account for exchange rates when a purchase is made outside the consumer's country of origin.

Claims 9 and 21:

Rosen discloses the electronic commercial payment system as shown above. Rosen does not specifically state that *said customer account manager amending and forwarding said initiation message to said mediating trusted agent includes vouching for the customer*. However,

Examiner takes **Official Notice** that it is old and well known in the payment systems arts to provide for positive identification of a current consumer based on a consumer's good reputation within their own financial community. Lines of credit can quickly be afforded or extended to customers of known and good standing.

Claims 10 and 22:

With regard to the limitation of *stopping the trading session includes said merchant agent receiving a trading session terminate message sent by said customer agent or a timeout*, see figure 7b.

Claims 11 and 23:

- *said customer account manager sending a customer transaction record to said mediating trusted agent;*
- *said merchant agent sending a merchant transaction record to the mediating trusted agent;*
- *said mediating trusted agent comparing and evaluating said transaction records, resulting in clearing information;*
- *said mediating trusted agent sending said clearing information to said customer account manager and a merchant account manager,*
- *said customer account manager and a merchant account manager respectively sending said clearing information to said customer and said merchant, and based on said clearing information, processing said transaction records to a withdrawal record and a deposit record, respectively, storing the transaction records, and sending said withdrawal record to a customer billing system and said deposit record to a merchant billing system, respectively.*

See at least Figures 1-5 and associated text.

Claim 13:

With regard to the limitation of *said account manager and said mediating trusted agent are separate modules*, see Mao, Figure 2.

Claims 28 and 29:

The combination of Rosen/Puhl does not disclose stopping a transaction. Joao, in at least column 6, line 46+ discloses stopping transaction if the credit limit has been reached or exceeded. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Rosen/Puhl with Joao because both systems refer to known best practices of secure electronic transactions (SET).

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **James A. Reagan** whose telephone number is **(703) 306-9131**. The examiner can normally be reached on Monday-Friday, 9:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **James Trammell** can be reached at (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 305-3900**. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 305-7687 [Official communications; including

After Final communications labeled "Box AF"]

(703) 308-1396 [Informal/Draft communications, labeled "PROPOSED"

or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

JAR

07 April 2005

